

1 Q Well, you'll notice the first sentence makes a
2 reference to March 8.

3 A Yes.

4 Q What did you have before you, if you can recall,
5 when you were preparing this answer?

6 A I think I had a copy of the application that we had
7 filed, which is where I reported that date.

8 Q Are you telling us now that the March 8 date is not
9 what you meant, but you really meant to say March 18?

10 A I believe it is.

11 Q In other words, you were preparing a document that
12 bears a date of March 16 and you were saying in that document
13 that something had happened on March 18?

14 A Well, when I had gone to the contractor's
15 location -- I think it was the Wednesday of that week -- I was
16 told it was on -- it was going to be sent that week, during
17 that week, and in preparing that and thinking ahead -- again,
18 my, my thinking was in terms of April 6th and not March 16th.
19 In other words, at the time that the current construction
20 permit was going to expire. So I, I, I thought I had reason
21 to believe that the tower was going to be on the sight,
22 certainly, by that time, and probably erected.

23 Q What arrangements had you made for delivery of the
24 tower? Who was supposed to take delivery of the tower?

25 A Well, I thought that I had had them go to the

1 attorney's office, and I have since had conversation with the
2 attorneys over there, and they deny that, that anybody
3 approached them about the problem, or about the tower
4 delivery, and we came to the conclusion that because I had
5 been using a storeroom facility up at the motel on the other
6 end of town, and the interest of the motel owner in our
7 operation, I had probably directed them up there, if that
8 would have been a -- somebody who would have recognized what
9 we had and would have been able to give them a place to put it
10 for the time being until we could get over there and take it
11 out to the site.

12 Q Now you are just guessing here, aren't you?

13 A I am -- at this point purely speculation because
14 that's the only thing I can conclude.

15 Q Well, what I'm asking you is if you remember who, if
16 anyone, you told in Chatom that a tower was coming.

17 A I, I thought at the time I had told the people at
18 the law office that I was going to send it to their attention.

19 Q All right, now, was it your direction to people at
20 the law office that they were supposed to do something with
21 the tower when it arrived?

22 A Primarily, whoever I had made the arrangement with,
23 I think I had made arrangements for them to put it on their
24 property temporarily for a matter of a week, something like
25 that.

1 Q All right, so your recollection is that someone from
2 the firm was supposed to take these tower pieces and have them
3 placed on his property for a week?

4 A You have to understand that the law firm in Chatom,
5 Alabama, is a, is a single story structure on a rather large
6 piece of land, and there's a considerable amount of wooded
7 area behind there building. It's part of their property.

8 Q Oh, so this was going to go -- the tower was going
9 to go on the law firm's property?

10 A Yes.

11 Q All right. Now --

12 A I, I believe that's what I had, had instructed to
13 have happened. I don't think that that's -- in retrospect and
14 understanding, no, I don't think that's what happened. I
15 think it got directed up to the motel.

16 Q What instructions, if any, had you given the
17 contractor in terms of where the contractor was supposed to go
18 with the tower?

19 A I, I probably directed him, in fact --

20 JUDGE LUTON: "Probably." Your answers all seem to
21 be --

22 WITNESS: Yes, they are.

23 JUDGE LUTON: I'm not sure whether you're
24 speaking from, from knowledge, recollection, or whether you're
25 putting things together in a fashion thought by you to be

1 | logical, or just what is going on here.

2 | WITNESS: Okay.

3 | JUDGE LUTON: Don't speculate. Just answer the
4 | questions that are asked to the best of your ability, and then
5 | stop.

6 | WITNESS: I believe at the time I had directed the
7 | contractor to take it to the law office.

8 | BY MR. SHOOK:

9 | Q That's your recollection.

10 | A That's my recollection.

11 | Q And do you have a further recollection that you
12 | contacted somebody at the law office, who in turn was supposed
13 | to take delivery of the tower pieces?

14 | A That's what I recollected at the time.

15 | Q And the law firm in turn was supposed to use its
16 | property to store the tower pieces until some date in the
17 | future.

18 | A Yes, sir.

19 | Q What was supposed to happen with the tower pieces
20 | after that time period of storage passed?

21 | A I had contacted Breits Tower Service in Miami, who
22 | was going to come to Chatom and erect the tower, and further
23 | down in this testimony and so forth, where we file with the
24 | FAA for approval to go ahead and construct, and he was going
25 | to come and pick up the tower sections from where they were,

1 take them out to the site, and build the tower.

2 Q How much was that going to cost you?

3 A I think the estimate was something like 5000.

4 Q Did you have a written contract, or an agreement of
5 any kind, with Breit?

6 A Just, just a handshake agreement. He's my neighbor.
7 I've known him for 30 years.

8 Q So your neighbor is supposed to drive up to Chatom
9 and then put the tower together.

10 A He agreed to do so.

11 Q Now -- please turn to Attachment 56. Do you
12 recognize this document?

13 A I certainly do.

14 Q Did you sign the original of it on March 16?

15 A I did.

16 Q Was the document completed on March 16?

17 A In total?

18 Q Yes, sir.

19 A Over days before that but it was mailed on that date
20 or about that date.

21 JUDGE LUTON: What is the document? You said you
22 recognized it. Tell us what it is.

23 WITNESS: Oh, it's a application for extension of
24 construction permit, and it's a Form 701 which was filed for
25 on behalf WCCJ for extension of time to construct the station.

1 JUDGE LUTON: Thank you.

2 BY MR. SHOOK:

3 Q Do you know approximately when you mailed this
4 document, how many days after March 16, or was it mailed on
5 March 16 to the Commission?

6 A I don't recall specifically what date. It was
7 within that calendar week. It may have been a Saturday, it
8 may have been Friday, but it was within a day or two over the
9 time that it was prepared.

10 Q Subsequent to your signing the document, did you
11 alter the document in any way?

12 A Did I alter the document?

13 Q Yes, sir.

14 A No, I don't believe so.

15 Q In other words, once you signed it and it's dated
16 March 16, you were finished with it.

17 A I was finished with it. The, the signature page is
18 the last one I do when I prepare an application like this and
19 submit it to the copying the machine, either before or after
20 signature but generally around that time, and from there it's
21 ready to go as far as I'm concerned.

22 Q All right, please turn to what is called Exhibit 1
23 of that application. With respect to the power divider that is
24 referenced in the second paragraph, was it actually shipped to
25 Jampro?

1 A No, it was never actually shipped to Jampro. It was
2 prepared for shipment but we aborted the shipment.

3 Q Well, is there any particular reason why you wrote
4 that the power divider was shipped to Jampro in mid-March for
5 repair and is to be returned in 6 weeks?

6 A I had had conversations with Jampro about the
7 modifications necessary. They gave me a time frame which
8 later I determined to be unacceptable. The -- this
9 application was prepared before the shipment, but the shipment
10 was ready to go. In other words, when it -- when I prepared
11 the application and mailed it in, I believe I had intended,
12 like, the following Monday to have it picked up. It was in a
13 crate. It was ready to be shipped to Jampro, so the
14 application went in a day or two before the actual shipment
15 was supposed to take place.

16 Q So, in other words, as of March 16, it would have
17 been accurate to say you intended to ship --

18 A I intended --

19 Q -- the power divider?

20 A I intended. It was sitting at the doorstep ready
21 for --

22 JUDGE LUTON: Why didn't you say that?

23 WITNESS: I'm sorry, sir?

24 JUDGE LUTON: Why didn't you say that you intended
25 that it be shipped? Why did you say that it had in fact been

1 done when to this day, as I'm understanding it, it was never
2 done?

3 WITNESS: It was never done. I've tried to relate
4 all along that I was looking at the date of April 6th as
5 opposed to March 16th as my reference, and I had certain
6 events which I really had every reason to believe were going
7 to take place, and I had reported them that way, which I
8 believe now was definitely in error.

9 JUDGE LUTON: It, it creates considerable concern.

10 WITNESS: Yes.

11 JUDGE LUTON: Obviously that's why we're here. Tell
12 me again why, why would you --

13 WITNESS: I've, I've attempted to --

14 JUDGE LUTON: -- state there that something in fact
15 had happened when you knew that it hadn't?

16 WITNESS: I've attempted to relate that a couple of
17 times to people. Let's assume that you're going to meet
18 somebody Friday in Maryland, in, in Baltimore, but tomorrow
19 morning you're going to send your car in to have the brakes
20 repaired and you believe that the mechanic says, "Well, it
21 will be ready by 5 o'clock," you can drive it Friday morning.
22 So you tell your friend on the phone this afternoon, "Yes,
23 I'll be there. I'm going to drive over," and, and that's in
24 the nature of which that was reported. I had a re-expectation
25 of --

1 JUDGE LUTON: But in that situation that you posit,
2 I wouldn't give a certification that what I'm saying is "true,
3 complete, and correct to the best of my knowledge," and yet in
4 this particular document filed with an agency of the United
5 States government, and carrying that very certification, which
6 you accepted, namely that the statements are "true, complete,
7 and correct to the best of my knowledge and belief," you
8 nevertheless stated a matter which you knew to be untrue. In
9 the expectation that it would become true at some later time,
10 perhaps, but at the time --

11 WITNESS: Yes, I agree with --

12 JUDGE LUTON: -- you made the statement you knew it
13 was incorrect.

14 WITNESS: I agree with you. I, I definitely
15 interpreted it differently at that time.

16 JUDGE LUTON: How? What was the different
17 interpretation you placed on it? That it was okay to
18 speculate, to certify a matter as having occurred when it, in
19 fact, had not then occurred? Was that your honest
20 understanding?

21 WITNESS: Not quite.

22 JUDGE LUTON: Well, tell me what it was, please.
23 This is an important matter.

24 WITNESS: My, my, my honest understanding is, is
25 that I was looking at the renewal process as being effective

1 on the date of the expiration of the permit, and therefore
2 events which I believed sincerely would take place, I reported
3 them that way.

4 JUDGE LUTON: You reported them as having taken
5 place.

6 WITNESS: In retrospect, I, I realize I shouldn't
7 have done it that way.

8 JUDGE LUTON: And why do you think you shouldn't
9 have done it that way?

10 WITNESS: It, it, it is obviously not the best way
11 to approach that problem.

12 JUDGE LUTON: Also inconsistent --

13 WITNESS: It, it confuses the issue for sure.

14 JUDGE LUTON: And it also runs afoul of the
15 certification --

16 WITNESS: Um-hum.

17 JUDGE LUTON: -- that what you stated there is "true
18 and correct to the best of your knowledge and belief."

19 WITNESS: Yes, it would appear that is certainly
20 what is true.

21 JUDGE LUTON: Go ahead.

22 WITNESS: I won't do it again. Obviously.

23 BY MR. SHOOK:

24 Q Now, this document that we're looking at is signed
25 on the 16th of March and mailed shortly thereafter. How long

1 after this document was mailed did you come to the conclusion
2 that you were not going to ship the power divider to Jampro?

3 A It may have been Monday or Tuesday of the following
4 week just prior to shipment because we expected to have it
5 picked up on Monday, and I called them once again concerned
6 about the time frame probably trying to see if they couldn't
7 fit it in someplace and get it done a little quicker, because
8 the actual work that is necessary to modify this piece of
9 equipment takes maybe a half a day, and at the best a full day
10 if you consider extensive testing. So I could see no reason
11 why it should take 6 weeks for that to be performed, and if we
12 were pressed for time, as we obviously were, I found 6 weeks
13 for turnaround an absolutely intolerable situation and I
14 expressed my opinion to Mr. Cunningham out there, who was the
15 representative for Jampro at that time that I was dealing
16 with. So after that, I said, "Well, what can we do?" You
17 know, I had already discussed with him before what was
18 necessary to modify it, so -- and being familiar with the
19 device I then set about to get the information from them to do
20 the modifications ourselves so we could get this thing on line
21 a lot sooner.

22 Q Because you never did ship the power divider to
23 Jampro, when, if ever, did it occur to you that you should
24 inform the Commission that the statement that you made here
25 was inaccurate?

1 A Not until much later because it was an event that I
2 believe was lost in a lot more difficult ones. I think, in
3 retrospect, someplace along the line we, we regretted the
4 entire incident.

5 Q Now, this morning I believe we talked about your
6 having picked the power divider sometime in mid-February --

7 A Yes.

8 Q -- from location in Melbourne?

9 A Yes.

10 Q When was it that you actually ascertained from
11 Jampro that it was going to take 6 weeks, or you understood
12 that it was going to take 6 weeks to effect the kind of
13 repairs that you wanted to have done?

14 A I believe that the first contact that we had with
15 them was shortly after we acquired the material, probably to
16 find out more what we could do to make the modifications, and
17 then Jampro more or less convinced us that we were better off
18 if we would just send it out to them. So in several more
19 discussions with them via telephone, that we agreed to send it
20 to them for the modification.

21 Q What was your understanding as to how much Jampro
22 was going to charge you to effect the modifications

23 A They had a, a fixed price of \$1,500.00 at that time.
24 I had just had another one rebuilt for WVUM a few months
25 before so I knew what the price was. And it was a, a

1 situation where we would just send them a check with the
2 order.

3 Q Now, moving on to the next page, which has a heading
4 of Exhibit 2, it's true, is it not, that the only construction
5 and installation was that which occurred on January 20, 1988,
6 and that there had been no construction or installation of any
7 kind of February?

8 A At the site, that's quite true. I can't make that
9 statement about the rest of the construction of the station
10 because I had ongoing construction with modules and so forth
11 that we were assembling for the remaining of the station at
12 various sites, those primarily being in Miami at our warehouse
13 there.

14 Q Well, are you saying, then, that the second sentence
15 of the first paragraph is accurate?

16 A It is not 100 percent accurate but it is, it is
17 close. It, it's -- just let me read through it again to make
18 sure I'm saying what I'm saying here. That part of the
19 sentence is not true, no We had negated a certain amount of
20 that work and I had anticipated being back there within a few
21 weeks, and that didn't happen.

22 JUDGE LUTON: What part of that sentence is not
23 correct?

24 WITNESS: Okay, let me, let me go through it
25 explicitly. The excavation of the site for the tower,

1 foundation, and anchors and tie-down points for the mobile
2 home that will serve as the studios, and offices, and housing
3 were completed in the first part of February. The foundation
4 piece I had done. I had gone out there and attempted to put
5 in the anchors at the anchor points and could not accomplish
6 that at the time. I went there first, and the location of the
7 mobile home, although we knew where we wanted to put it with
8 respect to the tower, the dimensions were not available to me
9 at that time for me to actually put down the anchors, although
10 I knew what I was going to put down. I figured that I would
11 come back in a few weeks and, and continue on. I'd have the
12 sufficient equipment to put in the other anchors and so forth
13 and then it didn't happen --

14 JUDGE LUTON: Essentially, though, this sentence
15 just states --

16 WITNESS: But it, it's not true.

17 JUDGE LUTON: Essentially, this sentence just states
18 a falsity.

19 WITNESS: Yes, it is.

20 JUDGE LUTON: And to, to try to parse it and say
21 that "excavation for the tower foundation had been done but
22 the rest of it hadn't been done" doesn't really get us very
23 far, I don't think.

24 WITNESS: That's quite true.

25 JUDGE LUTON: Proceed.

1 BY MR. SHOOK:

2 Q Moving on to the next sentence, "The mobile home was
3 then brought to the site and modifications to its interior
4 were started to accommodate the studios, et cetera." When was
5 the mobile home supposed to have been brought to the site?

6 A It was supposed to be brought to the site in
7 mid-March.

8 JUDGE LUTON: When was it brought to the site?

9 WITNESS: The home, the mobile home that we were
10 supposed to get never reached the site.

11 JUDGE LUTON: Never reached the site. So then to
12 the extent that this language says "the mobile home was then
13 brought to the site" is untrue.

14 WITNESS: We, we believed it was in transit at the
15 time the application was being prepared, so it is untrue to
16 that extent.

17 JUDGE LUTON: That extent being that it was never
18 brought to the site.

19 WITNESS: Yes, sir.

20 JUDGE LUTON: Contrary to what this language says
21 that it was then brought to the site.

22 WITNESS: Yes, sir.

23 JUDGE LUTON: 100 percent false, not a little bit
24 false.

25 WITNESS: Yes, sir.

1 JUDGE LUTON: Go ahead.

2 BY MR. SHOOK:

3 Q Now the next sentence, "Equipment is being installed
4 and tested in those areas that are complete." I take it that
5 you're trying to tell the Commission here that equipment is
6 being installed and tested in the mobile home, or is it being
7 installed and tested someplace else?

8 A It was being installed and tested in, in whatever
9 location was, was, at that time, adequate to do the work. If
10 it had been in the mobile home, we would have had it in the
11 mobile home working on it. In the meantime, in lack of that,
12 we were working on it in the warehouse preparing the modules,
13 testing the equipment, and so forth, so it would be ready to
14 install.

15 Q Well, if you look at the prior sentence, the
16 suggestion is that certain modifications are being made to the
17 mobile home, and then if you look at the, the next sentence,
18 the sentence beginning with "equipment is being installed" the
19 suggestion, I would think, is that you're trying to tell the
20 Commission that equipment is being installed and tested in the
21 mobile home.

22 JUDGE LUTON: Which was never brought to the site.

23 WITNESS: That's quite true, however, you must admit
24 that the statement itself is a little more ambiguous than
25 that.

1 BY MR. SHOOK:

2 Q Well, because you're the author, please tell us then
3 what this statement is --

4 A I, I, I was trying to relate the fact that we had
5 started working on the equipment. The details were not
6 presented because of writing this on the fly. And in
7 retrospect, I think I would have detailed that considerably
8 more but at the time I did not; but we were working on the
9 equipment. We had, we had most of the equipment on hand and,
10 and if it wasn't in one warehouse in Melbourne it was in the
11 other warehouse in Miami, and the assembly of the, of the sub
12 modules definitely were under construction.

13 Q Now, the next sentence, "The tower was delivered to
14 the site March 8." We know the tower was not delivered to the
15 site on March 8.

16 A I know the tower was not delivered on March 8th.

17 Q And neither was the --

18 A I believe it was not delivered on March 18th,
19 either.

20 Q Right. Now, when you wrote this sentence, to whom,
21 if anyone, had you spoken in order to confirm the delivery of
22 the tower?

23 A Considering the fact that I believe it was
24 delivered, or was supposed to be delivered after this was
25 written, I hadn't spoken to anyone specifically, outside the

1 fact that I believed it was going to be delivered.

2 Q And in terms of "Erection is scheduled to start on
3 March 23," that's because you had an oral understanding
4 with --

5 A I had an understanding that it was going to be there
6 and I had made arrangements for the tower crew to go up and
7 start construction. So I appropriately filed an FAA
8 Commencement of Construction application.

9 Q Well, here you'll notice that the sentence has two
10 different time frames to it, one where the past tense is
11 clearly used, and the second clause where you're talking about
12 something that's going to take place in the future. Do you
13 see that?

14 A Um-hum.

15 Q You, you intended the Commission to have that
16 understanding, did you not? That one was an event that had
17 actually occurred and the second was an event which was going
18 to occur.

19 A Yes, that's, that's what is there. I'm not entirely
20 sure that I intended it to mean that.

21 Q Well, if you --

22 A I don't always use the best choice of words.

23 Q If you did not intend to mean that, can you tell us
24 what you did intend to mean?

25 A At this point I would say, I, I'm going to stick

1 with what I had written here. I know that it now is not a
2 course didn't happen, and I'm well aware of that but I'm going
3 to stay with this because at the time --

4 JUDGE LUTON: I think that's wise. It would be very
5 difficulty for you now to walk away from this, quite
6 frankly --

7 WITNESS: Oh, absolutely, absolutely.

8 JUDGE LUTON: -- as its author and it does seem to
9 me to say exactly what has been suggested --

10 WITNESS: I, I agree with you.

11 JUDGE LUTON: -- by the Bureau.

12 BY MR. SHOOK:

13 Q Moving on to the next sentence, "The local power
14 company has also been installing a service line to this site,
15 and should be completed by the end of March." From whom did
16 you gain that knowledge?

17 A I think at the time that, that we had gained the
18 information about what it was going to cost us for the site.
19 That's where I believed that was going to happen. You know,
20 if they come to us and they, they tell us that we are going to
21 have to pay so much for the installation and we strike an
22 agreement as far as how to pay for this, I was left with the
23 impression that they were going to proceed with the work.

24 JUDGE LUTON: But even so --

25 WITNESS: So I, I --

1 JUDGE LUTON: -- being left with an impression that
2 they were going to start with the work is to say one thing; to
3 say that they, meaning the local power company, has been
4 installing a service line, that is to say quite another.

5 WITNESS: It is --

6 JUDGE LUTON: The two are not the same, are they?

7 WITNESS: I agree, I agree.

8 JUDGE LUTON: So the question that Mr. Shook put to
9 you was where did you gain the knowledge from -- my question
10 to you would be did you know for a fact when you wrote this
11 that the local power company had been installing a service
12 line to the site? Did you know --

13 WITNESS: No, sir.

14 JUDGE LUTON: -- at the time?

15 WITNESS: No, sir.

16 JUDGE LUTON: All right, nevertheless you plainly
17 assert that the company had been installing a service line to
18 the site. Thank you.

19 BY MR. SHOOK:

20 Q Moving on to the next page when -- the page that's
21 headed Exhibit 3, if you look at the second paragraph, that
22 first sentence, "Weather has played a minor role --" we can
23 change the spelling, "in delays." Where did you gain any
24 knowledge or understanding that weather had played any role
25 whatsoever?

1 A I had, had subscriptions to both of the local
2 newspapers there, plus frequent conversations with the people
3 who live there, and at that time of the year spring storms are
4 a daily event, and I, I think it was made more in generality.
5 It probably -- again, it shouldn't have been there because it
6 was more of a general statement of observation, and I'm sure
7 that at the time because we were relating to other things that
8 had been delayed because of weather, I said, "Well, they're
9 having problems due to weather."

10 Q Well, isn't it a fact that you had knowledge --

11 A I don't know that for a fact weather ever actually
12 delayed anything, but I have no knowledge to the fact that it
13 didn't.

14 JUDGE LUTON: Well, then maybe you should have just
15 left weather alone.

16 WITNESS: You're absolutely right.

17 JUDGE LUTON: But you didn't leave it alone.

18 WITNESS: I didn't.

19 JUDGE LUTON: Instead you used weather to make a
20 point that you didn't know was true or false, namely, "weather
21 has played a minor role in delays." You didn't really know
22 what you were talking about then, did you?

23 WITNESS: Um-hum.

24 JUDGE LUTON: But you wrote it nevertheless.

25 BY MR. SHOOK:

1 Q Now, after sending in Attachment 56 to the
2 Commission, who, if anyone, did you call in Chatom to confirm
3 whether or not the trailer had been delivered?

4 A I believe I had a conversation with Mr. Schell to
5 find out if they had received the trailer at the site, and
6 that he had been contacted and taken the trailer to the site.

7 Q Did you make this call to Mr. Schell?

8 A Yes.

9 Q Can you tell us approximately when you made this
10 call to Mr. Schell?

11 A It, it would have been possibly even from, from
12 Melbourne at the time when I was there, that week, because I
13 believe that was the week they were supposed to deliver it.

14 Q Roughly in the period of March 12 to March 20, so --

15 A That's correct.

16 Q -- probably around March 20, is that what you're
17 saying?

18 A That's correct, and I think on March, on March 20th,
19 we determined that it had not been delivered. They had
20 just -- had not -- it was a Monday, I think, when I talked to
21 him.

22 Q What did you do when you found out that the trailer
23 had not been delivered?

24 A I made several telephone call attempts to the dealer
25 who I had dealt with over there in Gulf Breeze trying to

1 ascertain what had happened, and was unable to reach him.
2 Nobody answered the phone, and then finally after several days
3 I did reach another person who supposedly knew the dealer, who
4 explained to me that the trailer was unable to reach the site
5 for whatever his reason, primarily they claimed it came apart.

6 Q That was your understanding --

7 A That was --

8 Q -- of what happened?

9 A -- my understanding, and they knew nothing more than
10 that, that it was -- the trailer was not delivered.

11 Q So it would be fair to say that by the 1st of April
12 you knew that there was no trailer at the site, nor was there
13 any likelihood that a trailer would be at the site.

14 A I knew that there was no trailer at the site. I did
15 not know that there would not be one there. There were
16 several trailers at this fellow's yard that would have been
17 suitable. I would have thought at the time that if he
18 couldn't deliver one because he was having trouble with it
19 falling apart, he could certainly take another one in there
20 and substitute it. We had that arrangement. I said, "One is
21 as good as the other; any one of those will work."

22 Q You were never contacted by the dealer to pay for --
23 or there was no discussion --

24 A I --

25 Q -- of payment relative to the trailer?

1 A I never received anything else from that dealer ever
2 again.

3 Q You never had any further contact with that dealer.

4 A I had one contact with an associate of his
5 apparently. I don't know whether --

6 Q No, no, I mean the dealer himself.

7 A The dealer himself, I never talked or heard from him
8 again.

9 Q So as of the 1st of April, you knew the trailer had
10 never made it to the site. You had not spoken to the dealer
11 himself. What was, what was the basis for your belief that a
12 trailer would be delivered?

13 A The conversation I had with his associate, I believe
14 I said, "Well, if you can't send one out there, can he get
15 another one out there?" And there seemed to have been some
16 understanding that maybe there could be an alternative.

17 Q Now, in terms of this person being an associate, are
18 you just guessing that the person was an associate?

19 A He, he knew an awful lot about this fellow's
20 business, and what he was doing, and his activities, and so
21 forth, and I am assuming that maybe they were partners in the
22 business or had some relationship with each other. It was
23 obvious to me that he was not somebody who just picked up the
24 phone from along the street and said, "Well, you know, I'm
25 walking by." I mean, he -- this fellow knew something about

1 what was going on.

2 Q All right, you acquired this knowledge from a long
3 distance telephone call that you placed?

4 A Yes.

5 Q From Miami.

6 A From Miami, or it could have been -- I, I believe it
7 was from Miami because it was on -- it was a Monday following,
8 or the week following the Monday the, the week I was in
9 Melbourne, and I think I would have done that from Miami.

10 Q Now, subsequent to your March 16 signing of the
11 Attachment 56, who, if anyone, did you call in Chatom to
12 confirm whether or not the tower was delivered?

13 A I acquired the knowledge from, I think, through
14 Huggins, but I don't recall how. Because I thought he -- you
15 know, in, in all this time I thought he was the one who had
16 been the one receiving it and it was more of a surprise to me
17 when I found out he said he wasn't, and we had kind of come to
18 the conclusion that it was the fellow up at the motel instead.
19 But somehow that knowledge came to me in course of
20 conversation, that nothing had been delivered. You know, the,
21 the correct one had not been delivered.

22 Q Now, on the bottom of page 25 and the top of page 26
23 of your testimony, it's -- you've got a pretty definite
24 statement about recalling a conversation with Huggins. Did
25 Huggins bill you for that call or that conversation?